

APPEAL NO. 020188
FILED FEBRUARY 25, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 20, 2001. With respect to the sole issue before him, the hearing officer determined that the appellant's (claimant) compensable injury sustained on _____, does not extend to and include Buerger's Disease in his hands, and that the claimant does not have disability. The claimant appealed on sufficiency of the evidence grounds. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable laceration injury to his left forearm on _____. The parties also stipulated that the medical term for Buerger's Disease is thromboangiitis obliterans, a medical condition involving inflammation and destruction of blood vessels or lymph vessels in the upper or lower extremity, usually leading to a deficiency of blood in the extremity. The hearing officer did not err in determining that the claimant's compensable injury of _____, does not extend to and include Buerger's Disease of the hands. The parties presented conflicting evidence regarding the causation of the claimant's condition, and even whether he has Buerger's Disease. The Appeals Panel has required that the necessary proof of causation be established to a reasonable medical probability by expert evidence in cases such as the one we here consider where the subject matter is so complex that a fact finder lacks the ability from common knowledge to find a causal connection. Texas Workers' Compensation Commission Appeal No. 93774, decided October 15, 1993; Texas Workers' Compensation Commission Appeal No. 94815, decided August 4, 1994. See *a/so Schaeffer v. Texas Employers Insurance Association*, 612 S.W.2d 199 (Tex. 1980).

Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We also find no error in the hearing officer's determination that the claimant did not have disability. Although the claimant had a compensable laceration injury, the hearing

officer did not find that the claimant had disability as a result of that injury. The evidence supports the disability determination. Section 401.011(16).

We affirm the hearing officer's decision and order.

The true corporate name of the carrier is **REDLAND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Susan M. Kelley
Appeals Judge